

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DONALD L. LAMEY, SR. CU-5308,)
Petitioner,)
)
v.) 2:16-CV-424
)
SUPERINTENDENT LANE, et al.)
Respondents.)

MEMORANDUM

Donald L. Lamey Sr., an inmate at the State Correctional Institution- Fayette-has presented a petition for a writ of habeas corpus for which he has neither submitted the filing fee nor an application for leave to proceed in forma pauperis. According to the petition, Lamey was convicted by a jury of involuntary deviate sexual intercourse, aggravated indecent assault and other related charges No. CP-14-CR-842-1994 in the Court of Common Pleas of Centre County, Pennsylvania and sentenced to a 33 ½ to 67 year period of incarceration. This sentence was imposed on June 9, 1995.

It is provided in 28 U.S.C. §2241(d) that:

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a state which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

While the petitioner is in custody in the Western District of Pennsylvania, the trial court which sentenced him is located in Centre County, which is located in the Middle District of Pennsylvania. It, therefore, would appear that the interests of justice would best be served by transferring the petition to the United States District Court for the Middle District of Pennsylvania.

An appropriate Order will be entered.

ORDER

AND NOW, this 15th day of April 2016, for the reasons set forth in the foregoing Memorandum,

IT IS ORDERED that if he objects to the transfer, the petitioner do so on or before April 29, 2016

IT IS FURTHER ORDERED that if no objections are filed the case will be transferred after that date to the United States District Court for the Middle District of Pennsylvania for further proceedings.

s/ Robert C. Mitchell
United States Magistrate Judge